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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/163,246

09/29/1998

KEVIN E. KALAJAN

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9774

29989

7590

05/23/2002

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EXAMINER

BURGESS, BARBARA N

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/163,246

Applicant(s)

KALAJAN, KEVIN E.

Examiner

Barbara N Burgess

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 1998.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 and 20-21, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 4 recites the limitation "HTTP-capable network" in line 4. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 20 recites the limitation "software program" in line 14. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 21 recites the limitation "software program" in line 19. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1- 5, 7-8, 13, 16-23, 25-26, 31, and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakai et al. (hereinafter "Nakai", 6,253,248).

As per claims 1 and 19, Nakai discloses a method, storage device, control program, and control device for a client to access data files residing on a first data server through a network comprising:

- Coupling a heterogeneous proxy server to the first data server through a first network protocol (column 4, lines 49-53, column 5, lines 1-5);
- Receiving at the heterogeneous proxy server a data file from the first data server by employing the first network protocol (column 3, lines 34-38, column 5, lines 35-37, column 6, lines 39-41);
- Translating the data file into a format compatible with transmission through the network (column 6, lines 32-50);
- Transmitting the translated data file to the client across the network (column 6, lines 38-42, column 8, lines 43-46).

As per claims 2 and 20, Nakai discloses a method, control program, and control device for sending a request from the client to the proxy server that the data file be received from the first data server and sent to the client (column 2, lines 31-33, column 6, lines 38-42).

As per claims 3 and 21, Nakai discloses a method, storage device, control program, and control device comprising:

- Coupling heterogeneous proxy server to a second data server through a second network protocol (column 3, lines 51-52, column 4, lines 19-22, Figure 1);
- The first and second network protocols being different (column 6, lines 25-26, 44-47, column 7, lines 1-12, Figure 3 and 4);

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- Receiving at the proxy server a data file from the first data server through the first network protocol (column 3, lines 34-38, column 5, lines 35-37, column 6, lines 39-41);
- Translating the data file into a format compatible with transmission through the network (column 6, lines 32-50);
- Transmitting the translated data file to the client across the network (column 6, lines 38-42, column 8, lines 43-46).

As per claims 4 and 22, Nakai discloses the client machine and server machines connected on a network, which uses Internet Protocol to communicate (column 4, lines 48-53). Therefore, Nakai implicitly discloses the method and storage device wherein the network employs Transport Control Protocol (TCP).

As per claims 5 and 23, Nakai discloses the method and storage device wherein the format compatible with transmission through the network is Hypertext Transport Protocol (HTTP) (column 5, lines 43-46, column 6, lines 25-43).

As per claims 7 and 25, Nakai discloses the method and storage device wherein the network protocols each comprise of Network File System (NFS) and File Transfer Protocol (FTP) (column 5, lines 1-8).

As per claims 8 and 26, Nakai discloses the method and storage device wherein the client employs an HTTP browser for connecting to the proxy server (column 4, lines 26-29, column 5, lines 17-28).

As per claims 13 and 31, Nakai discloses the method and storage device wherein the browser, upon receiving the data file, initiates an appropriate application for using the data file (column 8, lines 9-14, 20-26).

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As per claims 16 and 34, Nakai discloses the method, storage device, control program, and control device having the proxy server search for data files at one or more data servers coupled to the proxy server (column 2, lines 25-28, column 7, lines 37-39, column 10, lines 47-55).

As per claims 17 and 35, Nakai discloses a method, storage device, control program, and control device authenticating the client before connecting the client to the proxy server (column 13, lines 11-43).

As per claims 18 and 36, Nakai implicitly discloses a method, storage device, control program, and control device for a client to access data files residing on an at least a first and second data server through a network employing Transport Control Protocol (TCP), comprising:

- Coupling a heterogeneous proxy server to the first data server through a first network protocol (column 4, lines 49-53, column 5, lines 1-5);
- Coupling a heterogeneous proxy server to the second data server through a second network protocol (column 3, lines 51-52, column 4, lines 19-22, Figure 1);
- The first and second network protocol being different (column 6, lines 25-26, 44-47, column 7, lines 1-12, Figure 3 and 4);
- Sending a request from the client to the proxy server that the data file be received from the first data server and then sent to the client (column 2, lines 31-33, column 6, lines 38-42);
- Client employs an HTTP browser for connecting to the proxy server (column 4, lines 26-29, column 5, lines 17-28);
- Receiving at the proxy server a data file from the first data server by employing the first network (column 3, lines 34-38, column 5, lines 35-37, column 6, lines 39-41);

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- Translating the data file into a format compatible with transmission through the network, comprising Hypertext Transport Protocol (HTTP) (column 5, lines 43-46, column 6, lines 25-43, 32-50);
- Transmitting the translated data file to the client across the network (column 6, lines 38-42, column 8, lines 43-46).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6 and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai in view of Busey et al. (hereinafter "Busey", 5,764,916).

Nakai fails to explicitly disclose a method and storage device wherein the format compatible with transmission through the network being a Multipurpose Internet Mail Extension (MIME) of HTTP. However, the use and advantage for using MIME is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Busey (column 3, lines 59-65).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate MIME of HTTP in Nakai's accessing data files method to enable transmission and reception of files with graphics, audio, and video contents or as email files.

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10. Claims 9 and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai in view of Krueger et al. (hereinafter "Krueger", 5,996,022).

Nakai fails to explicitly disclose the method and storage device wherein the client receives an HTML document from the proxy server containing information from the proxy server regarding available data files on the data server. However, the use and advantage for sending a document to the client from the proxy server regarding data files on the data server is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Krueger (column 7, lines 64-67, column 7, lines 1, 46-52).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate sending to the client from the proxy server a document regarding the available data files on the data server in Nakai's accessing data files method allowing the client to choose specific, available files to access.

11. Claim 10 and 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai in view of Krueger et al. (hereinafter "Krueger", 5,996,022).

Nakai fails to explicitly disclose the method and storage device wherein the HTML document allowing the client to send a request for the data file to the proxy server. However, the use and advantage for allowing the client to send a request for the data file to the proxy server is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Krueger (column 8, lines 24-28).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate the client being able to send a request to the proxy

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server for the data file in Nakai's accessing data files method allowing the client to access files through the proxy server from the data server.

12. Claims 11 and 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai in view of Butts et al. (hereinafter "Butts", 5,754,830).

Nakai fails to explicitly disclose the method, storage device, and control program allowing the client to download an applet executable by the HTTP browser to receive information from the proxy server regarding available data files on the data server. However, the use and advantage for allowing the client to download an applet is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Butts (column 1, lines 59-65, column 3, lines 56-65).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate downloading of an applet to the client in Nakai's accessing data files method to enable the client to receive the necessary information from the proxy server regarding the available files on the data server.

13. Claims 12 and 30, is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai in view of Butts et al. (hereinafter "Butts", 5,754,830).

Nakai fails to explicitly disclose the method and storage device wherein the applet is configured to send a request for the data file to the proxy server. However, the use and advantage for the applet being configured to send a request for the data file is well known to one skilled in the relevant art at the time the invention was made as evidenced by Butts (column 4, lines 8-11, column 6, lines 30-32).

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Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate the applet being configured to send a request for the data file in Nakai's accessing data files method allowing the client to request and gain access to the files on the data server through the proxy server.

14. Claims 14 and 32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai in view of Krueger et al. (hereinafter "Krueger", 5,996,022).

Nakai fails to explicitly disclose a method, storage device, and control program configured to compressing the data file at the proxy server before transmitting it to the client. However, the use and advantage of compressing the file before transmitting it to the client is well known to one skilled in the relevant art at the time the invention was made as evidenced by Krueger (column 5, lines 22-28, 36-38, 47-51, 59).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate compressing the file before transmitting to the client in Nakai's accessing data files method because compression enables the client to accommodate a file that would have otherwise been impractical to the client.

15. Claims 15 and 33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai in view of Krueger et al. (hereinafter "Krueger", 5,996,022).

Nakai fails to explicitly disclose the method, control program, and control device for emailing the data file from the proxy server to an email recipient. However, the use and advantage of emailing the data file from the proxy server to an email recipient is well known to one skilled in the relevant art at the time the invention was made as evidenced by Krueger (column 2, lines 59-67, column 3, lines 12-19).

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Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate emailing the data file from the proxy server to an email recipient in Nakai's accessing data files method allowing the recipient to receive the data file quicker than if it is sent to the client and the client then sends it the email recipient.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,764,918 to Poulter

U.S. Pat. No. US 6,185,616 B1 to Namma et al.

U.S. Pat. No. 5,790,800 to Gauvin et al.

U.S. Pat. No. US 6,356,934 B1 to Delph

U.S. Pat. No. 5,077,655 to Jinzaki

U.S. Pat. No. 5,805,803 to Birrell et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7201 for regular communications and (703) 308-5359 for After Final communications.

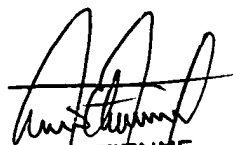
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Barbara N Burgess
Examiner
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ARIELLE
PRIMARY EXAMINER